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BOOK REVIEWS.

G. FORREST BUTTERWORTH, JR., *Editor-in-Charge.*

THE LAW OF UNINCORPORATED ASSOCIATIONS AND SIMILAR RELATIONS. By SIDNEY R. WRIGHTINGTON. Boston: THE UNIVERSITY PRESS. 1916. pp. xxvi, 486.

Probably the most striking feature of legal development in the last half century is the increase in the number of business enterprises conducted by individuals adopting incorporation as a means of protection and convenience, and the corresponding increase in judicial decisions and statutes governing corporations. The prevalence of corporations and the frequent abuses of the privilege accorded to them, have, with more or less justification, led to public hostility toward this form of organization. The natural consequence of this hostility has been the enactment of taxation measures and inquisitorial regulatory statutes.

The inconvenience caused by such legislation has in many instances led to a reversion to the more primitive forms of business organization. The most common form of these is the "trustee" which has recently been developed in Massachusetts. These trusts are units *sui generis* in their nature, lying somewhere between corporations and partnerships. These peculiar arrangements comprise one of the topics treated in this work. But the author by no means limits himself to this subject. He attempts to deal with every aspect of the law governing groups of individuals organized to act in the prosecution of common enterprises, whether for profit or any other common purpose, excepting those groups formed under Corporation Laws. Any volume of five hundred pages, dealing with so broad a subject, must of necessity be rather sketchy. For example, the entire subject of car trusts and trusts for bond holders are covered in less than two pages of this work, and there are other instances where it is apparent that the subject is too broad for brief treatment. On the other hand, in some of the phases of the law included within the scope of the book, the author has covered the subject most thoroughly. The question of strikes is discussed at pages 285 et seq. The author has adopted the viewpoint of the latest authorities. He points out that the legality of a boycott or a strike is determined by the primary purpose of such combination. If the primary purpose is to advance the *bona fide* claims of the employees to better their condition and not merely a means of securing higher wages by intimidation, a strike is justified. All the leading cases on this subject are fully collated and digested in the notes and this section is a clear summary of the law applicable to labor disputes, brought down to date.

There is a real purpose which this volume serves. It is an absolutely original classification of this branch of the law and although, as has been pointed out, it is and must be merely an outline, the value of this outline can hardly be over-estimated. It points out a path for future writers on this subject to follow and if they do follow it the author will have contributed in no small measure to the general field of jurisprudence.

The forms which constitute the appendix to the book are a selection of the most noted, so-called, personal property trusts, in which all the funds and property of an enterprise are transferred to a trustee for the benefit of *cestuvs* who receive certificates which entitle them to a participation in the profits of the enterprise without making them partners. All these deeds of trust are founded upon judicial precedents and the cases from which they are selected are cited so that the appendix should prove of material assistance to a person desiring to organize a group of this kind.

The principal value of the work, however, lies in its value as a guide for future consideration of the subject and it is to be hoped that the original classification of this author will, for the sake of clarification of this branch of the law, be adhered to in the future.

Arnold J. Brock.

THE DIPLOMATIC PROTECTION OF CITIZENS ABROAD OR THE LAW OF INTERNATIONAL CLAIMS. By EDWIN M. BORCHARD, LL.B., Ph.D. New York: THE BANKS LAW PUBLISHING Co. 1915. pp. xxxvii, 988.

Dr. Edwin M. Borchard, in producing this book, has made an extremely valuable contribution to the science and practice of international law. As his preface states, the advancement of science and invention has drawn the various parts of the world into closer proximity, with the result that vast amounts of capital are invested by citizens and subjects of the various countries within the territorial jurisdiction of others. Where a central authority is lacking which is capable of enforcing the standard of conduct, founded upon the common consent of nations, by which a state is to be guided in its treatment of aliens, international law authorizes the state to which a citizen owes his allegiance to protect and vindicate his rights.

The diplomatic protection, however, of the citizen abroad is not the result of a legal right vested in the one who has left the territorial jurisdiction of his country. On the contrary, the right is in the government, and the exercise of it for the protection of its citizens lies in the sound discretion of the governmental body.

Three distinct legal relationships therefore arise for examination; first, that existing between the state and the citizen abroad; second, that between the alien and the state of residence; and, third, that between the two states concerned in a particular case where their mutual rights, liabilities and obligations are to be determined. What steps on the part of the alien whose rights are invaded are considered prerequisite to the effort of his government to protect those rights; the nature, exercise and effect of protection; the status and nature of persons, entities and objects which are entitled to diplomatic protection; and the conditions, qualifications and limitations upon the prosecution and recovery of international claims, are fully and ably considered.

Dr. Borchard states that "the practice of the United States in matters of diplomatic protection may well be regarded as a close approach to a just standard of international practice, for the United States has been and is both an exploiting and an exploited country." The views and principles it has expounded in the exercise of the right to protect American citizens abroad have therefore many times partaken of the nature of a compromise between what might have been right and what was certainly expedient.